

Driver's License Record Keeping for DWI Violations

Under current Minnesota law, DWI violations, or impaired driving incidents, are kept on a person's official driving record permanently. Since the mid-1990's, the Minnesota Legislature has revised the required period of time that impaired driving incidents are kept on the official driving record three times.

Impaired driving incidents are permanently kept on driving records

Minnesota Statutes require that all DWI violations, or impaired driving incidents, must be kept on the driving record permanently. As defined by statute, an impaired driving incident includes any impaired driving-related loss of license, unless the license action was officially rescinded, and any impaired driving conviction, unless the conviction was overturned. [Minn. Stat. §§ 169A.03](#), subds. 20-22; [609.21](#).

As a practical matter, the Department of Public Safety (DPS) has been including these incidents on driving records since at least the mid-1990s, so few, if any, DWI violations occurring since the mid-1980s have been purged from Minnesotans' driving records.

Pre-1995: Initially, incidents were kept on record for five years

Prior to 1995, the driver's license record-keeping statute did not single out DWI, but instead directed that "the driver's record pertaining to revocations, suspensions, cancellations, disqualifications, convictions, and accidents shall be cumulative and kept for a period of at least five years." [Minn. Stat. § 171.12](#), subd. 3 (1994).

However, the Driver and Vehicle Services Division within DPS kept DWI violations on driving records for at least ten years, and later for 15 years, with the rationale being that records of such violations were needed to administer DWI law. DWI law has long provided for the enhancement of criminal penalties and administrative sanctions for violations occurring within ten years of any prior impaired driving violation (i.e., the "lookback period"). In fact, until 2000, DWI forfeiture law used a 15-year lookback period.

1995: Time period was increased to 15 years

A 1995 enactment amended the driver's license statute by specifically referring to violations of regular and commercial DWI law ([Minn. Stat. §§ 169.21](#) and [169.1211](#), as they were then codified), as well as driving after cancellation. It also required that such violations be kept on the driving record "for a period of at least 15 years." [Laws 1995, ch. 259](#), art. 1, § 37.

2004: Some records to be purged after ten years

The next statutory change pertaining to DWI record keeping was made in 2004, along with the enactment of the .08 per se alcohol concentration limit. The 2004 law left the requirement for record retention for most DWI violations as being "for a period of at least 15 years." [Laws 2004, ch. 283](#), § 11. It also directed that a DWI violation must be purged after ten years if:

- (1) it was the person's first DWI violation;

- (2) the person's alcohol concentration (AC) at the time of the violation was measured as being .08 or .09; and
- (3) the person did not commit another impaired driving violation within the following ten years.

2005: Incidents are permanently retained

The 2005 Legislature changed the record retention requirement of “at least 15 years” to read “must be retained permanently.” [Laws 2005, 1st spec. sess., ch. 6](#), art. 3, § 68. That enactment also repealed the language from the 2004 law requiring that a DWI violation be purged after ten years for a first-time violator having a low AC with no repeat violation during that timeframe. (Officials from the National Highway Traffic Safety Administration (NHTSA) expressed concern that any purging of prior DWI violations would conflict with federal transportation law, which requires a complete lifetime record of all alcohol-driving violations for anyone applying for a commercial driver's license. Consequently, the 2004 law did not actually result in any alcohol-related driving violations being purged from the driving records of first-time, low-AC, nonrepeat DWI violators.)

For more information: Contact legislative analyst Jim Cleary at jim.cleary@house.mn. Also see the House Research publication [An Overview of Minnesota's DWI Laws](#), December 2006.

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.